**UNITED STATES DISTRICT COURT**
**FOR THE WESTERN DISTRICT OF TEXAS**
**SAN ANTONIO DIVISION**

| | | |
|---|---|---|
| SHANNON PEREZ, *et al.*, | ) | |
| | ) | CIVIL ACTION NO. |
| *Plaintiffs*, | ) | SA-11-CA-360-OLG-JES-XR |
| | ) | |
| v. | ) | |
| | ) | |
| STATE OF TEXAS, *et al.*, | ) | |
| | ) | |
| *Defendants*. | ) | |

---

[PROPOSED] ORDER

---

Following two bench trials, the court issued an opinion in this case. (Docket Entry No. 1339). The court found that the Texas 2011 congressional redistricting plan violated Section 2 of the Voting Rights Act in South/West Texas and also that Defendants drew district lines in various parts of the state that violated the Fourteenth Amendment. The court also found that Plaintiffs are still being harmed by the lines drawn as the direct product of these intentional violations.

Plaintiffs have established all the elements that entitle them to a permanent injunction. *See Aspen Tech., Inc. v. M3 Tech., Inc*., 569 F.App'x 259, 272 (5th Cir. 2014) (per curiam) (setting forth the standard for a permanent injunction) (citing *eBay Inc., v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006)). As described above and in detail in this Court's March 10 opinion, Plaintiffs have succeeded on the merits of their claims by establishing violations of the Fourteenth Amendment and Section 2 of the Voting Rights Act. Voting is a fundamental right, and federal courts regularly find that restrictions on the fundamental right to vote constitute irreparable injury. *See, e.g.*, *Williams v. Salerno*, 792 F.2d 323, 326 (2nd Cir. 1986) (the denial of the fundamental right to vote is unquestionably "irreparable harm"); *Obama for Am. v. Husted*,

697 F.3d 423, 436 (6th Cir. 2012) (same). Moreover, this Court's findings explicitly recognized the ongoing harm that Plaintiffs suffer under the current congressional redistricting plans. *See, e.g.*, Op. at 47. Plaintiffs have no adequate remedy at law absent injunctive relief. Voting rights cases such as this one are precisely the sort in which equitable remedies such as injunctions are the only practical remedy to redress the injury and to prevent future harm. *See Reynolds v. Sims*, 377 U.S. 533, 585 (1964) (noting that it would be unusual to not afford injunctive relief after finding a redistricting scheme unconstitutional); *Veasey v. Abbott*, 830 F.3d 216, 268-71 (5th Cir. 2016) (discussing the types of equitable relief appropriate in voting rights cases).

Additionally, the Court finds that the balance of equities weigh strongly in favor of the requested permanent injunction. Any potential hardships faced by Defendants from an injunction against continued implementation of a racially discriminatory redistricting plan, including the development of a remedial plan, are greatly outweighed by the hardships faced by Plaintiffs and other voters in Texas who face continued impairment of their voting rights. *See, e.g.*, *Taylor v. Louisiana*, 419 U.S. 522 (1975) ("administrative convenience" cannot justify a practice that infringes upon a fundamental right); *Carey v. Population Servs., Int'l*, 431 U.S. 678, 691 (1977) ("[T]he prospect of additional administrative inconvenience has not been thought to justify invasion of fundamental constitutional rights.").

Finally, because "the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights," *Harper v. Virginia State Bd. of Elections*, 383 U.S. 663, 667 (1966), the Court finds that "the public interest in an election . . . that complies with the constitutional requirements of the Equal Protection Clause is served by granting" injunctive relief. *NAACP-Greensboro Branch v. Guilford County Bd. of Elections*, 858 F. Supp. 2d 516, 529 (M.D.N.C. 2012); *see also*, *Personhuballah v. Alcorn*, 155 F. Supp. 3d 552,

56061 (E.D. Va. 2016) ("[t]he public has an interest in having congressional representatives elected in accordance with the Constitution.").

It is thus ORDERED:

(1) Defendants are permanently enjoined from conducting future elections under the current congressional redistricting plan, Plan C235, unless and until the portions of that plan that this Court determined on March 10, 2017 to be in violation of the Voting Rights Act or the Fourteenth Amendment are remedied.

(2) The following schedule will govern submission of congressional remedial plans: Defendants have until May 5, 2017 to submit their proposed remedial congressional plan and Plaintiffs have until May 12, 2017 to submit their proposed remedial congressional plan(s). The Court will enter a scheduling order governing remedial briefing shortly after receipt of the State's proposed remedial map.

Signed on: _____

_____
Presiding Judge